

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF	)	
ARTESIAN WATER COMPANY, INC. FOR A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	
NECESSITY TO PROVIDE WATER SERVICES TO	)	
A TOTAL OF 119 PARCELS OF LAND LOCATED	)	
BETWEEN THE TOWNS OF MILLVILLE,	)	PSC DOCKET NO. 05-CPCN-16
FRANKFORD, SELBYVILLE, AND FENWICK	)	
ISLAND, SUSSEX COUNTY, DELAWARE.	)	
("ROUTE 54, PHASE 6")	)	
(FILED MAY 18, 2005,	)	
AMENDED AUGUST 31, 2005)	)	

IN THE MATTER OF THE APPLICATION OF	)	
ARTESIAN WATER COMPANY, INC. FOR A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	
NECESSITY TO PROVIDE WATER SERVICES	)	
PURSUANT TO 26 DEL. C. §203C.	)	PSC DOCKET NO. 09-CPCN-26
("SUSSEX 0409")	)	
(FILED JUNE 23, 2006,	)	
AMENDED AUGUST 26, 2009)	)	

IN THE MATTER OF THE APPLICATION OF	)	
ARTESIAN WATER COMPANY, INC. TO	)	
ABANDON UNDER 26 DEL. C. § 203A(d)	)	
WATER SERVICES PROVIDED UNDER TWO	)	
CERTIFICATES OF PUBLIC CONVENIENCE AND	)	PSC DOCKET NO. 17-0166
NECESSITY.	)	
("ROUTE 54, PHASE 6" - PARCEL NOS.	)	
533-19.00-35.00 AND 533-19.00-35.04)	)	
("SUSSEX 0409" - PARCEL NO. 533-19.00-	)	
297.00)	)	
(FILED MARCH 28, 2017)	)	

**ORDER NO. 9072**

**AND NOW,** this 20th day of June, 2017, the Public Service Commission (the "Commission") determines and orders the following:

**WHEREAS,** on September 6, 2005, by way of Order No. 6718, the Commission granted a Certificate of Public Convenience and Necessity ("CPCN") to Artesian Water Company, Inc. ("Artesian") to provide water

services for 113 parcels of land in Sussex County identified as "Route 54, Phase 6" ("CPCN A"); and

**WHEREAS**, on September 22, 2009, by way of Order No. 7649, the Commission granted a Certificate of Public Convenience and Necessity ("CPCN") to Artesian to provide water services for 24 parcels of land in Sussex County identified as "Sussex 0409" ("CPCN B"); and

**WHEREAS**, the Commission retained jurisdiction in this matter, including the authority to enter such further Orders and conduct such further proceedings as it deemed necessary or proper; and

**WHEREAS**, on March 31, 2017, Artesian submitted an application (the "Application") to the Commission which sought approval to abandon or discontinue providing water operations or service for: 1) two parcels of land that are included in CPCN A previously granted to Artesian in Order No. 6718, specifically Sussex County Tax Map Parcel Numbers 533-19.00-35.00 and 533-19.00-35.04 and 2) one parcel of land that is included in CPCN B previously granted to Artesian in Order No. 7649, specifically Sussex County Tax Map Parcel Number 533-19.00-297.00, (collectively the "Parcels"); and

**WHEREAS**, Artesian has not requested any change with respect to the other 112 parcels of land included in CPCN A or the other 23 parcels of land included in CPCN B. Thus, the remaining 112 parcels included in CPCN A will remain in Artesian's existing CPCN A pursuant to Order No. 6718 and will not be affected by this Order. Similarly, the remaining 23 parcels included in CPCN B will remain in Artesian's existing CPCN B pursuant to Order No. 7649 and will not be affected by this Order; and

**WHEREAS**, 26 Del. C. §203A(d)(1) provides that no public utility shall abandon or discontinue, in whole or in part, any business, operations, or services provided under a CPCN or otherwise, which are subject to jurisdiction of the Commission without first having received Commission approval for such abandonment or discontinuance; and

**WHEREAS**, 26 Del. C. §203A(d)(3) provides that the Commission shall approve any application for abandonment when it finds that the utility has met its burden of proving that the abandonment or discontinuance is reasonable, necessary and not unduly disruptive to the present or future public convenience and necessity; and

**WHEREAS**, based on its review, Staff recommends that the Commission approve the Application because it believes that Artesian has met its burden of proof as set forth in 26 Del. C. §203A(d)(3). First, the abandonment is reasonable because water service is not currently being provided to the Parcels. Second, it is necessary as the owners of the Parcels have consented to Artesian removing the Parcels from their current water service territory. Artesian noted that the Parcels are located within an area more readily served by a different water company. Tidewater Utilities, Inc. has informed Artesian that they are willing to provide water service to the Parcels. Lastly, the abandonment will not be unduly disruptive to the present convenience and necessity because no existing Artesian customers are located on the Parcels. Hence, Staff finds that the abandonment will not be unduly disruptive to the future public convenience and necessity because the owners of the Parcels and any

future customers should be able to seek water services from another public utility;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE  
VOTE OF NOT FEWER THAN THREE COMMISSIONERS:**

1. The Commission hereby approves Artesian's Application.
2. Artesian shall, consistent with our previous practices, provide to the landowners of the Parcels (specifically identified as Sussex County Tax Map Parcel Numbers 533-19.00-35.00, 533-19.00-35.04, 533-19.00-297.00) at least 30 days' prior written notice of Artesian's abandonment of water services. Artesian shall provide proof of such written notice to Commission Staff on or before August 15, 2017.
3. Except for the specific removal of the Parcels from their currently-existing CPCNs, Artesian shall retain both CPCN A as granted in Order No. 6718 and CPCN B as granted in Order No. 7649.
4. Artesian is hereby notified that it will be assessed the costs of this proceeding pursuant to 26 Del. C. §114(b) (1).
5. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

**BY ORDER OF THE COMMISSION:**

---

Chair

---

Commissioner

---

Commissioner

---

Commissioner

---

Commissioner

ATTEST:

---

Secretary